

Assembly Bill No. 910

Passed the Assembly September 6, 2001

Chief Clerk of the Assembly

Passed the Senate September 4, 2001

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Section 1348.3 to the Fish and Game Code, relating to wildlife conservation easements.

LEGISLATIVE COUNSEL'S DIGEST

AB 910, Wayne. Wildlife conservation easements.

Existing law establishes the Wildlife and Natural Areas Conservation Act to provide the financial means to correct wildlife habitat deficiencies through a program of acquisition, enhancement, restoration, and protection of areas that are most in need of proper conservation.

This bill would prohibit a governmental entity from condemning any wildlife conservation easement acquired by a state agency unless it complies with specified condemnation procedures.

The people of the State of California do enact as follows:

SECTION 1. Section 1348.3 is added to the Fish and Game Code, to read:

1348.3. (a) No governmental entity may condemn any wildlife conservation easement acquired by a state agency, except as provided in subdivision (b). As used in this section, the following terms have the following meanings:

(1) "Public use" as used in Article 6 (commencing with Section 1240.510) and Article 7 (commencing with Section 1240.610) of Chapter 3 of Title 7 of Part 3 of the Code of Civil Procedure means privately owned lands managed for habitat in public trust.

(2) "Wildlife" has the same meaning as set forth in Section 711.2.

(3) "Wildlife conservation easement" means a recorded conservation easement, as defined in Section 815.1 of the Civil Code, that exists or will exist for at least 10 years and that is acquired and held by a state agency and administered primarily for the benefit of wildlife.

(b) Prior to the initiation by a governmental entity of condemnation proceedings against a wildlife conservation



easement acquired by a state agency, the governmental entity shall give notice to the holder of the easement, provide an opportunity for the holder of the easement to consult with the governmental agency, provide the holder of the easement the opportunity to state its objections to the condemnation, and provide a response to the objections. Article 6 (commencing with Section 1240.510) and Article 7 (commencing with Section 1240.610) of Chapter 3 of Title 7 of Part 3 of the Code of Civil Procedure shall apply to condemnation proceedings initiated by a governmental entity against a wildlife conservation easement acquired by a state agency. In those proceedings, the condemning governmental entity shall be required to prove by clear and convincing evidence that its proposed use satisfies the requirements of Article 6 (commencing with Section 1240.510) or Article 7 (commencing with Section 1240.610) of Chapter 3 of Title 7 of Part 3 of the Code of Civil Procedure.



Approved _____, 2001

Governor

